

111TH CONGRESS
1ST SESSION

H. R. 1450

To amend the Federal Food, Drug, and Cosmetic Act with respect to counterfeit drugs, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MARCH 11, 2009

Mr. ROGERS of Michigan (for himself, Mr. GENE GREEN of Texas, Mr. BUYER, Mr. UPTON, and Mr. BURGESS) introduced the following bill; which was referred to the Committee on Energy and Commerce, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To amend the Federal Food, Drug, and Cosmetic Act with respect to counterfeit drugs, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Counterfeit Drug Pre-
5 vention Act of 2009”.

1 **SEC. 2. PENALTIES REGARDING COUNTERFEIT DRUGS.**

2 Section 303(a) of the Federal Food, Drug, and Cos-
3 metic Act (21 U.S.C. 333(a)) is amended by adding at
4 the end the following paragraph:

5 “(3) Notwithstanding paragraph (1) or (2), any per-
6 son who engages in any conduct described in section
7 301(i)(2) knowing that the conduct concerns the rendering
8 of a drug as a counterfeit drug, or who engages in conduct
9 described in section 301(i)(3) knowing that the conduct
10 will cause a drug to be a counterfeit drug or knowing that
11 a drug held, sold, or dispensed is a counterfeit drug, shall
12 be fined in accordance with title 18, United States Code,
13 or imprisoned not more than 20 years, or both, except that
14 if the use of the counterfeit drug by a consumer is the
15 proximate cause of the death of the consumer, the term
16 of imprisonment shall be any term of years or for life.”.

17 **SEC. 3. OTHER CRIMINAL PENALTIES; CLARIFICATION RE-**
18 **GARDING FINES.**

19 Section 303 of the Federal Food, Drug, and Cosmetic
20 Act (21 U.S.C. 333(a)) is amended—

21 (1) in subsection (a)—

22 (A) in paragraph (1), by striking “shall be
23 imprisoned” and all that follows and inserting
24 the following: “shall be fined in accordance with
25 title 18, United States Code, or imprisoned not
26 more than one year, or both.”; and

1 (B) in paragraph (2), by striking “shall be
2 imprisoned” and all that follows and inserting
3 the following: “shall be fined in accordance with
4 title 18, United States Code, or imprisoned not
5 more than three years, or both.”; and
6 (2) in subsection (b)—

7 (A) in paragraph (1), in the matter after
8 and below subparagraph (D), by striking “shall
9 be imprisoned” and all that follows an inserting
10 the following: “shall be fined in accordance with
11 title 18, United States Code, or imprisoned not
12 more than 10 years, or both.”; and

13 (B) in paragraph (6), by striking “shall be
14 imprisoned” and all that follows and inserting
15 the following: “shall be fined in accordance with
16 title 18, United States Code, or imprisoned not
17 more than 10 years, or both.”.

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